

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

| | | |
|---|---|--------------------------------|
| ----- | X | |
| VICTOR CRUZ, | : | |
| | : | |
| Plaintiff, | : | MEMORANDUM DECISION AND |
| | : | ORDER |
| – against – | : | |
| | : | 20-CV-5057 (AMD) (CLP) |
| O & M PIZZA CORP., <i>d/b/a Little Italy Pizza &</i> | : | |
| <i>Restaurant and</i> DURaid OMAR ALKHULAQI, | : | |
| | : | |
| Defendants. | : | |
| ----- | X | |

ANN M. DONNELLY, United States District Judge:

The plaintiff filed this action on October 21, 2020, alleging violations of the Fair Labor Standards Act (“FLSA”) and New York Labor Law (“NYLL”) by his former employers. (ECF No. 1.) The defendants were served shortly after the action was filed. (ECF Nos. 5-6.) The defendants did not appear or answer the complaint, and the Clerk of Court filed an entry of default on November 10, 2021. (ECF No. 19.) On January 21, 2022, the plaintiff filed a motion for default judgment against the defendants. (ECF No. 21.) I referred the motion to Magistrate Judge Cheryl L. Pollak on January 24, 2022.

Judge Pollak issued a thorough Report and Recommendation on July 22, 2022, in which she recommended that the plaintiff’s motion be granted and that the defendants be held joint and severally liable for a judgment totaling \$259,689.99. (ECF No. 25 at 26.) No objections to the Report and Recommendation have been filed, and the time for doing so has passed.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the report and recommendation to which no timely objection has been made, “a

district court need only satisfy itself that there is no clear error on the face of the record.” *Jarvis v. N. Am. Globex Fund L.P.*, 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (quoting *Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)) (internal quotation marks omitted).

I have reviewed Judge Pollak’s well-reasoned and comprehensive Report and Recommendation and find no error. Accordingly, I adopt the Report and Recommendation in its entirety. The plaintiff’s motion for default judgment is granted, and the defendants are jointly and severally liable for a judgment totaling \$259,689.99, consisting of (1) \$112,785.75 in compensatory damages for defendants’ failure to pay overtime and spread-of-hour wages, (2) \$112,785.75 in liquidated damages, (3) \$20,273.49 in pre-judgment interest, (4) \$10,000.00 for statutory violations, and (5) \$3,845.00 in attorney’s fees, including costs. The plaintiff is also awarded pre-judgment and post-judgment interest, to be calculated as set forth in Judge Pollak’s Report and Recommendation. (ECF No. 25 at 26.) The Clerk of Court is respectfully directed to enter judgment accordingly and close this case.

SO ORDERED.

s/Ann M. Donnelly

ANN M. DONNELLY
United States District Judge

Dated: Brooklyn, New York
August 17, 2022